

BEFORE THE
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:)
)
CENTRAL ILLINOIS LIGHT)
COMPANY, d/b/a AMEREN CILCO;)
CENTRAL ILLINOIS PUBLIC)
SERVICE COMPANY, d/b/a AMEREN)
CIPS; and ILLINOIS POWER)
COMPANY, d/b/a AMEREN IP)
) No. 07-0539
Approval of Energy Efficiency)
and Demand Response Plan.)

Chicago, Illinois
January 4, 2008

Met, pursuant to adjournment, at 9:00 a.m.

BEFORE :

Ms. Claudia Sainsot and Mr. Douglas E. Kimbrel
Administrative Law Judges

APPEARANCES :

JONES DAY, by
MS. LAURA M. EARL
77 West Wacker Drive
Chicago, Illinois 60601
appearing for the Ameren Illinois utilities;

MR. CARMEN FOSCO,
MR. JOHN FEELEY and
MR. ARSHIA JAVAHERIAN
160 North LaSalle Street, Suite C-800
Chicago, Illinois 60601
appearing for ICC Staff;

1 APPEARANCES (cont.):

2 MS. SUSAN J. HEDMAN
MS. KRISTIN MUNSCH
3 100 West Randolph, 11th Floor
Chicago, Illinois 60601
4 appearing for the People of the
State of Illinois;

5
MR. ROBERT KELTER
6 35 East Wacker Drive, 13th Floor
Chicago, Illinois 60601
7 appearing for the Environmental
Law and Policy Center;

8
MS. ANNE McKIBBIN
9 208 South LaSalle Street, Suite 1760
Chicago, Illinois 60604
10 appearing for the Citizens Utility Board;

11 MS. CYNTHIA A. FONNER
550 West Washington, Suite 300
12 Chicago, Illinois 60661
appearing for Constellation New Energy, Inc.,
13 and Constellation Energy Commodities
Group, Inc.;

14
SMIGEL, ANDERSON & SACKS, by
15 MR. SCOTT H. DeBROFF
4431 North Front Street, 3rd Floor
16 Harrisburg, PA 17110
appearing for Consumer Powerline;

17
MR. BRIAN P. GRANAHAHAN
18 407 South Dearborn, Suite 701
Chicago, Illinois 60605
19 appearing for Environment Illinois Research and
Education Center;

20
21
22

1 APPEARANCES (cont.):

2 MR. CONRAD REDDICK
3 1015 Crest Street
4 Wheaton, Illinois 60187
5 appearing for Illinois Industrial
6 Energy Consumers.

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1	<u>I N D E X</u>					
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3	<u>Witnesses:</u>	<u>Direct</u>	<u>Cross</u>	<u>Re-</u> <u>direct</u>	<u>Re-</u> <u>cross</u>	<u>By</u> <u>Examiner</u>
4	Richard Voytas		64			
5	Christopher Thomas					
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1	<u>E X H I B I T S</u>	
2	<u>NUMBER</u>	<u>FOR IDENTIFICATION</u>
3	Ameren Nos. 1.0, 3.0	
4	3.1, 5.0, 5.1, 6.0, 8.0	55
5	Staff Nos. 1.0, 1.1, 2.0, 2.1	56
6	ELPC Nos. 1.0, 1.1, 2.1	57
7	AG Nos. 1.0, 1.1 - 1.10	57
8	IIEC Nos. 1.0, 2.0	59
9	NRDC No. 1.0	59
10	Ameren Nos. 2.0, 7.0, 7.1	
11	7.2, 7.3	63
12	CUB No. 1.0, 1.01-1.05	
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1 JUDGE SAINSOT: By the authority vested in me
2 by the Illinois Commerce Commission, I now call
3 Docket Nos. 07-0539, 07-0540, 07-0541. These are,
4 respectively, the Ameren Companies, Commonwealth
5 Edison Company's and the Illinois Department of
6 Commerce and Economic Opportunity's petitions for
7 approval of energy efficiency and demand response
8 plans.

9 Will the parties present identify
10 themselves for the record and please identify which
11 dockets or docket you are in.

12 MR. FEELEY: Representing Staff of the Illinois
13 Commerce Commission John Feeley, Carmen Fosco and
14 Arsha Javarian, appearing in all three dockets.

15 MR. KELTER: Robert Kelter on behalf of the
16 Environmental Law and Policy Center in Dockets
17 07-0539 and 07-0540.

18 MR. PABIAN: For Commonwealth Edison Company,
19 Michael S. Pabian in Dockets 07-0540 and 07-0541.

20 MR. JOHNSON: Also for Commonwealth Edison
21 Company, Mark Johnson and Matt Lyon, Sidley Austin,
22 One South Dearborn, Chicago 60603, appearing in

1 Docket Nos. 07-0540 and 07-0541.

2 MS. EARL: On behalf of Ameren CILCO,
3 AmerenCIPS and Ameren IP, Laura Earl with Jones Day,
4 77 West Wacker Chicago, Illinois 60601, appearing in
5 Docket 07-0539 only.

6 MS. McKIBBIN: Appearing for the Citizens
7 Utility Board, Anne McKibbin, 208 South LaSalle
8 Street, Suite 1760, Chicago, Illinois 60604, and we
9 are appearing in all three dockets.

10 MR. WETZLER: Andrew Wetzler appearing on
11 behalf of the Natural Resources Defense Council in
12 Dockets 07-0540, 07-0541 and pending a motion to
13 intervene in 07-0539.

14 MS. FONNER: Cynthia Fonner on behalf of
15 Constellation Energy Commodities Group, Inc., and
16 Constellation New Energy, Inc., appearing in all
17 three dockets.

18 MR. DeBROFF: Scott DeBroff on behalf of
19 Consumer Power Line, 4431 North Front Street,
20 Harrisburg, PA, 17110, in all three dockets.

21 MR. JOLLY: On behalf of the City of Chicago
22 Ronald D. Jolly. The City is appearing only in the

1 ComEd Case, 07-0540 and the DCEO Case 07-0541.

2 MR. REDDICK: On behalf of the Illinois
3 Industrial Energy Consumers, IIEC, Eric Robertson and
4 Ryan Robertson of Leuders Robertson and Konzen, 1939
5 Delmar Avenue, Granite City, Illinois.

6 And Conrad R. Reddick, 1015 Crest
7 Street, Wheaton, Illinois.

8 MR. MUNSON: On behalf of the Building Owners
9 and Managers Association of Chicago, Michael Munson
10 appearing for BOMA Chicago in ICC Docket No. 07-0540.

11 MS. HEDMAN: On behalf of the People of the
12 State of Illinois, Susan Hedman and Kristin Munsch of
13 the office of the Attorney General appearing in all
14 three dockets.

15 MR. GRANAHAHAN: On behalf of Environmental Law
16 Research and Education Center Brian Granahn, it's
17 G-r-a-n-a-h-a-n, all three dockets.

18 MR. GRIFFIN: On behalf of the Illinois
19 Department of Commerce and Economic Opportunity,
20 Assistant Attorney General Gary Griffin and we're
21 appearing in Docket 07-0541 only.

22 MR. REDDICK: If I may interrupt, Conrad

1 Reddick and the Robertsons for IIEC appearing in 0539
2 and 0540.

3 MR. ABINOJA: Allan Abinoja, A-b-i-n-o-j-a, I'm
4 from the Illinois Attorney General's Office appearing
5 on behalf of the Illinois Department of Commerce and
6 Economic Opportunity, Docket No. 07-0541.

7 MR. STREICKER: David Streicker, general
8 counsel DCEO, appearing on behalf of DCEO in Docket
9 No. 07-0541.

10 JUDGE SAINSOT: Any further appearances?

11 (No response.)

12 Okay. We just have a few routine
13 things to clear up. First off, there's the matter of
14 the Natural Resources Defense Council and it's
15 petition for leave to intervene in Docket
16 No. 07-0539, Ameren's docket. Is there any objection
17 to this petition?

18 (No response.)

19 That being the case, this petition for
20 leave to intervene is granted.

21 I also noted when I was going over
22 yesterday's -- well, what happened yesterday, for

1 lack of a better word, am I right that Ameren filed a
2 petition for leave to intervene in DCEO's docket?

3 MS. EARL: I believe that is the case, your
4 Honor. I'm sorry, we should have taken care of that
5 yesterday.

6 JUDGE SAINSOT: Well, I should have taken care
7 of it as well, so, I mean -- is there any objection
8 to Ameren request for leave to intervene in DCEO's
9 docket?

10 MR. GRIFFIN: On behalf of DCEO, no.

11 JUDGE SAINSOT: Okay. Anybody?

12 (No response.)

13 Okay. That being the case, your
14 request for leave to intervene, Miss Earls, is
15 granted.

16 There is something else I missed
17 yesterday. Kroger Foods, is anybody here from Kroger
18 Foods? Anybody on the phone for Kroger Foods?

19 MR. BAUM: Yes. This is Kurt Baum (phonetic).

20 JUDGE SAINSOT: You are seeking leave to
21 intervene; is that correct?

22 MR. BAUM: Yes.

1 JUDGE SAINSOT: Are you planning to participate
2 in this hearing?

3 MR. BAUM: We are just going to monitor the
4 hearing.

5 JUDGE SAINSOT: Well, then you don't really
6 need to intervene.

7 MR. BAUM: I think we would like to reserve the
8 right to file a brief.

9 JUDGE SAINSOT: You are seeking leave for
10 admission pro hac vice?

11 MR. BAUM: Yes.

12 JUDGE SAINSOT: Could you refresh my
13 recollection as to what state you are licensed in.

14 MR. BAUM: I'm licensed in Ohio and Kentucky.

15 JUDGE SAINSOT: And are those -- do those
16 states have reciprocity with Illinois?

17 MR. BAUM: Yes, they do.

18 JUDGE SAINSOT: Is there any objection to
19 Mr. Baum's motion for admission pro hac vice?

20 (No response.)

21 Okay. Hearing none, your request is
22 granted, Mr. Baum?

1 MR. BAUM: Thank you.

2 JUDGE SAINSOT: Is there any objection to the
3 request for intervention on behalf of Kroger Foods?
4 And, of course, so we're clear, this is in Ameren's
5 Docket only, 07-0539.

6 Okay. Hearing none, your request for
7 leave to intervene, Mr. Baum is granted.

8 MR. BAUM: Thank you.

9 JUDGE SAINSOT: Can we begin with the exhibits
10 that are not subject to cross-examination? Why don't
11 we start with Ameren since that would be numerically
12 the first one. Take your time, Miss Earl.

13 MS. EARL: At this time, we would like to move
14 for admission of Ameren Exhibits 1.0. The direct
15 testimony of Stan Ogden. Ameren Exhibit 6.0, the
16 rebuttal testimony of Stan Ogden, both refilled on
17 e-Docket and verified by affidavit on January 3rd.

18 We also move for admission of Ameren
19 Exhibit 3.0, the Direct Testimony of Leonard Jones;
20 Ameren Exhibit 3.1, the rebuttal testimony of Leonard
21 Jones; and -- I'm sorry, the rebuttal testimony of
22 Leonard Jones, Ameren Exhibit 8.0 and Ameren

1 Exhibit 3.1, verified by affidavit and filed by
2 e-Docket on January 3rd.

3 JUDGE SAINSOT: What's 3.1 again?

4 MS. EARL: Ameren Exhibit 3.0, the direct
5 testimony of Leonard Jones and Ameren Exhibit 3.1.

6 JUDGE SAINSOT: Which is his rebuttal?

7 MS. EARL: No, I'm sorry. His rebuttal
8 testimony is Ameren Exhibit 8.0.

9 JUDGE SAINSOT: So 3.1 is what?

10 MS. EARL: Is an exhibit to his direct
11 testimony.

12 We also move for admission of the
13 direct testimony of Vickiren S. Bilsland, Ameren
14 Exhibit 5.0 and Ameren Exhibit 5.1, which were
15 prefiled on e-Docket and verified by affidavit on
16 January 3rd.

17 At this time, those are all the
18 exhibits that have been verified by affidavit.

19 JUDGE SAINSOT: Is there anything any objection
20 to the admission of these documents?

21 (No response.)

22 Okay. Hearing none, Ameren Exhibits

1 1.0, 6.0, 3.0, 3.1, 8.0, 5.0 and 5.1 will be admitted
2 into evidence when I receive a copy of them. I'm
3 going to need a copy.

4 MS. EARL: I think previously we've -- do you
5 need copies of the exhibits that have been prefiled
6 on e-Docket?

7 JUDGE SAINSOT: Right. We went over this
8 yesterday.

9 MS. EARL: I apologize, your Honor.

10 JUDGE SAINSOT: That's okay. When we take a
11 break, I'll show you where the Xerox machine is.

12 MS. EARL: Okay.

13 (Whereupon, Ameren
14 Exhibit Nos. 1.0, 3.0, 3.1, 5.0,
15 5.1, 6.0 and 8.0 were
16 admitted into evidence as
17 of this date.)

18 MS. SAINSOT: Okay. Anybody else in the Ameren
19 Docket?

20 MR. FEELEY: I'll go next. In 07-0539, Staff
21 would move to admit direct testimony of Richard
22 Zuraski marked for identification as ICC Staff

1 Exhibit 1.0 and attached to it is Mr. Zuraski's
2 affidavit marked for identification as Exhibit 1.1.

3 Staff would also move to admit in
4 07-0539 the direct testimony of Theresa Ebrey marked
5 for identification as ICC Staff Exhibit 2.0, attached
6 to it is her affidavit marked for identification as
7 ICC Staff Exhibit 2.1 and that is all of Staff's
8 testimony going in by affidavit in 07-0539.

9 Mr. Lazare, I believe, is going to be crossed.

10 JUDGE SAINSOT: Any objection to admission of
11 Staff Exhibit 1.0, 1.1, 2.0 or 2.1?

12 (No response.)

13 Hearing none, the motion is granted.

14 (Whereupon, ICC Staff
15 Exhibit Nos. 1.0, 1.1, 2.0 or 2.1
16 were admitted into evidence as
17 of this date.)

18 MR. KELTER: Your Honor, we'd like to move the
19 testimony and exhibits of Jeffrey Crandall,
20 Environmental Law and Policy Exhibit 1.0; his vitae,
21 Exhibit 1.1; and a study as Exhibit 2.1.

22 JUDGE SAINSOT: Any objection?

1 (No response.)

2 Hearing none, your motion is granted

3 and ELPC Exhibits 1.0, 1.1 and 2.1 is granted.

4 (Whereupon, ELPC

5 Exhibit Nos. 1.0, 1.1 and 2.1

6 were admitted into evidence as

7 of this date.)

8 JUDGE SAINSOT: Okay. Attorney General?

9 MS. HEDMAN: On behalf of the People of the

10 State of Illinois, I'd like to move for the admission

11 of AG Exhibit 1.0, which is the direct testimony of

12 Philip H. Mosenthal, which was filed on e-Docket on

13 December 14th along with the accompanying exhibits of

14 1.1 through 1.10 which are all data from other

15 parties.

16 JUDGE SAINSOT: Any objection?

17 (No response.)

18 Hearing none, your motion is granted.

19 (Whereupon, AG

20 Exhibit Nos. 1.0, 1.1 - 1.10

21 were admitted into evidence as

22 of this date.)

1 MR. REDDICK: On behalf of IIEC, we would like
2 to ask -- move the admission of IIEC Exhibit 1.0
3 corrected, which is the direct testimony of Robert R.
4 Stevens, consisting of 14 pages plus an appendix A
5 showing his qualifications. We also filed on
6 e-Docket an affidavit. They were filed on e-Docket
7 December 31, 2007, transaction No. 212405.

8 And, also, IIEC Exhibit 2.0 corrected,
9 which is the direct testimony of David L. Stowe,
10 consisting of 17 pages and an appendix A showing
11 qualifications. Mr. Stowe also filed an affidavit on
12 e-Docket on December 31, 2007, transaction 212406.

13 JUDGE SAINSOT: Mr. Reddick, are you going to
14 need to be shown to the Xerox machine as well?

15 MR. REDDICK: If I get Mr. Jolly's cooperation,
16 perhaps not. No, I do not have copies of the
17 testimony right now. Usually -- in other
18 proceedings, we haven't needed to do that, but I will
19 get copies and provide them to you.

20 JUDGE SAINSOT: Okay. You can do that at the
21 break?

22 MR. REDDICK: Yes.

1 JUDGE SAINSOT: Okay. On the proviso that the
2 copies will appear soon, your motion is granted.

3 (Whereupon, IIEC
4 Exhibit Nos. 1.0 and 2.0 were
5 admitted into evidence as
6 of this date.)

7 MR. WETZLER: On behalf of the Natural
8 Resources Defense Council, I'd like to move the
9 admission of NRDC Exhibit 1.0, the direct testimony
10 of Henry Henderson verified on December 13th, and I
11 apologize your Honor, I also misunderstood. I don't
12 have a copy of that but I can get one.

13 JUDGE SAINSOT: Any objection to admission of
14 the NRDC Exhibit 1.0?

15 (No response.)

16 Hearing none, your motion is granted,
17 Counsel, provided you get me a copy at the break.

18 (Whereupon, NRDC
19 Exhibit No. 1.0 was
20 admitted into evidence as
21 of this date.)

22 JUDGE SAINSOT: Are we done with Ameren's

1 docket, at least for the routine...

2 JUDGE SAINSOT: We're back on the record in
3 Docket No. 07-0540. What contested witnesses -- to
4 switch to 0539, what contested witnesses are there in
5 the Ameren dockets?

6 MS. EARL: We have parties who have reserved
7 cross-examination time for Mr. Voytas and I believe
8 Mr. Jensen has questions from you only in our docket.

9 JUDGE SAINSOT: Let me make sure that it's your
10 docket that I have questions for. Because I think,
11 actually, it's the ComEd Docket. It's totally the
12 ComEd docket? So that just leaves Mr. Voytas?

13 MS. EARL: Yes. And we also need to enter
14 Mr. Jensen's exhibits into testimony with
15 corrections.

16 JUDGE SAINSOT: Okay. Sorry about the
17 confusion. Okay. You can begin.

18 MS. EARL: We have Mr. Voytas in St. Louis
19 available for cross-examination. I'd like to move
20 for admission of his exhibits into evidence at this
21 time. Those exhibits have been verified by
22 affidavit, filed last night on e-Docket. The

1 exhibits are numbered Ameren Exhibit 2.0 the direct
2 testimony of Richard Voytas consisting of 46 pages,
3 as well as Ameren Exhibits 2.1, 2.2 and 2.3.
4 Mr. Voytas' rebuttal testimony identified as Ameren
5 Exhibit 7.0 consisting of 34 pages as well as Ameren
6 Exhibits 7.1, 7.2 and 7.3. I'd like to move for
7 admission of those exhibits into evidence at this
8 time.

9 JUDGE SAINSOT: Sorry, what are the 7 series?

10 MS. EARL: 7.1, 7.2 and 7.3.

11 JUDGE SAINSOT: And who are they?

12 MS. EARL: Those are the exhibits to
13 Mr. Voytas' rebuttal testimony, which is Ameren
14 Exhibit 7.0.

15 JUDGE SAINSOT: Sorry about that. Any
16 objection to admission of Mr. Voytas' direct rebuttal
17 and attachments which are Ameren Exhibits 2.0, 7.0,
18 7.1, 7.2 and 7.3?

19 (No response.)

20 Hearing none, your motion is granted,
21 Counsel.

22

1 (Whereupon, Ameren
2 Exhibit Nos. 2.0, 7.0, 7.1,
3 7.2 and 7.3 were
4 admitted into evidence as
5 of this date.)

6 MS. EARL: At this time, I'd like to make the
7 witness available for cross-examination.

8 JUDGE SAINSOT: Okay. You'll tender copies to
9 me; is that right?

10 MS. EARL: Yes. Any cross for Mr. Voytas?

11 MR. KELTER: Environmental Law and Policy
12 Center has cross.

13 JUDGE SAINSOT: Okay.

14 MR. KELTER: Good morning, Mr. Voytas, my name
15 is Rob Kelter, I'm an attorney for the Environmental
16 Law and Policy Center.

17 MR. RICHARD VOYTAS: Good morning, Mr. Kelter.

18 MR. KELTER: Your Honor, I believe the witness
19 has not been sworn.

20 JUDGE SAINSOT: Right. Let's just swear him
21 in.

22 (Witness sworn.)

1 RICHARD VOYTAS,
2 called as a witness herein, having been first duly
3 sworn, was examined and testified telephonically as
4 follows:
5 CROSS-EXAMINATION
6 BY
7 MR. KELTER:
8 Q Mr. Voytas can you hear me?
9 A Yes, I can. Can you hear me?
10 Q Yes. On Page 1, Line 20 of your direct
11 testimony, you state that you are the manager of
12 energy efficiency and demand response for Ameren
13 services; correct?
14 A Correct.
15 Q Okay. If you could turn to Page 38 of your
16 direct testimony, Line 890.
17 A That's correct. I'm sorry. I'm there.
18 Q At the top of the pyramid there at Line
19 890, there's a position Ameren Illinois Utilities
20 Energy Efficiency Officer. Do you also fill that
21 position?
22 A No, I do not.

1 Q And who fills that position?

2 A Mr. Stan Ogden.

3 Q And are you at one of those positions on

4 the pyramid there?

5 A The position that I would be in is the

6 middle left position entitled manager energy

7 efficiency policy and planning and there should be a

8 dotted line relationship to the Ameren Illinois

9 Utilities Energy Efficiency Officer as opposed to a

10 single line relationship.

11 Q A dotted line, what does that mean?

12 A That means I do not directly report to the

13 Ameren Illinois Utilities Energy Efficiency Officer.

14 Q Okay. And who do you report to?

15 A I report to the vice president of corporate

16 planning, Michael Mahn (phonetic).

17 Q Okay. Could you tell us a little bit about

18 your background in energy efficiency?

19 A Yes. I'd be happy to. In 1995, I was

20 promoted to the position of supervisor, supervising

21 engineer of demand site and management. At that

22 time, I was supporting the Ameren UE function in the

1 state of Missouri and we were in the process of
2 implementing a portfolio of energy efficiency
3 programs and between the years '95 to approximately
4 1999, we had a total budgets in the realm of
5 \$21 million.

6 Subsequent to that position, we've
7 supported other demand site and management activities
8 primarily in the state of Missouri. Major
9 initiatives, started in 2002 and there are other less
10 significant but also initiatives in 2004 and 2005.

11 Q Okay. Turning to Page 25, Line 581?

12 JUDGE SAINSOT: Mr. Kelter, do you have a copy
13 of Mr. Voytas' testimony for us?

14 MR. KELTER: No.

15 JUDGE SAINSOT: Does somebody? I'm afraid my
16 copy is at home.

17 MR. KELTER: The direct is Exhibit 2 and then
18 I've got -- most of my requests are regarding his
19 rebuttal, which is Exhibit 7.0.

20 JUDGE SAINSOT: Are you in 2.0 or 7.0,
21 Mr. Kelter?

22 MR. KELTER: Right now, I'm in 2.0.

1 JUDGE SAINOT: Okay. We're there.

2 BY MR. KELTER:

3 Q Okay. At Page 25, Line 581 you state that

4 the Ameren Illinois Utilities recognize their

5 expansive service territory of the over 44,000 square

6 miles they serve in the relatively sparse population

7 of less than 30 customers per square mile. And then

8 at ELPC -- in response to ELPC data request 1.16, you

9 state that Ameren's service territory has 27

10 customers per square mile. Do you know which figure

11 is correct?

12 A May I have just a second, please?

13 Q Sure.

14 A It's a matter of division. The 44,000

15 square miles divided by the entire Ameren Illinois

16 Utilities population by our number of customers and I

17 do not have that customer count with me at this time,

18 so I don't have that but it's 3027 -- I don't have

19 that exact customer count in front of me.

20 Q Okay. Are you familiar with what

21 percentage of your service territory has less than 30

22 customers per square mile?

1 A No, I am not.

2 Q So are you familiar, for instance, with
3 whether Decatur has less than 30 customers per square
4 mile?

5 A I am not familiar with that.

6 Q Bloomington?

7 A Same answer.

8 Q Peoria?

9 A Same answer.

10 Q Champaign?

11 A Same answer.

12 Q Metro East, St. Louis Metro East?

13 A Same answer.

14 Q Okay. Could we turn to your rebuttal,
15 please. At Page 7, Line 128 -- are you there?

16 (Discussion off the record.)

17 BY MR. KELTER:

18 Q Getting back to this, at Page 7, Line 128,
19 you raise questions regarding the differences between
20 Kentucky, Maryland, Massachusetts and Vermont, it
21 states that AG witness Mosenthal identifies as having
22 exemplary stakeholder processes. You identified

1 differences between those states in Illinois;
2 correct, you raise questions regarding the
3 differences between those states in Illinois; is that
4 correct?

5 MS. EARL: Objection. The question is asking
6 about a question in Mr. Voytas' testimony, it
7 doesn't -- it's not his answer.

8 MR. KELTER: Well, the question says, Please
9 explain what potential differences may exist in the
10 regulatory frame works for Kentucky, Maryland,
11 Massachusetts and Vermont, the states which Mr.
12 Mosenthal has identified as having exemplary
13 stakeholder processes.

14 JUDGE SAINSOT: And your question again,
15 Mr. Kelter?

16 MR. KELTER: My question is, does the
17 witness -- is he making the point that there are
18 differences between those states and Illinois for
19 purposes of analyzing an exemplary stakeholder
20 process.

21 MS. EARL: And I would object to the foundation
22 of that process because it's not a statement by

1 Mr. Voytas, it's a question posed to Mr. Voytas. In
2 other words, Mr. Voytas --

3 JUDGE SAINSOT: Overruled.

4 MS. EARL: -- is not making a statement --

5 JUDGE SAINSOT: Overruled.

6 THE WITNESS: Please repeat the question.

7 MR. KELTER: Could we have the question read
8 back, please.

9 (Record read as requested.)

10 THE WITNESS: Thank you. On our end, that was
11 not very clear but I think I've got enough of it. On
12 Line 28 of my rebuttal testimony, my attempt was that
13 each particular states were identified as having
14 exemplary stakeholder processes, I don't know if they
15 do or if they don't. I do not have a chance to
16 review whatever processes they had in place; but if I
17 did, I wanted to list some of the criteria that I'd
18 be looking for in order to be adequately able to
19 compare those processes to what may be proposed in
20 the state of Illinois.

21 BY MR. KELTER:

22 Q Well, would you agree that we can learn

1 from how those processes were conducted in these
2 states?

3 A We can learn what?

4 Q That we can gain from the experience that
5 was gleaned from other people going through the
6 pro- -- the stakeholder process before Illinois?

7 A I agree that we could glean those
8 experiences but how relevant it is to the state of
9 Illinois, really depends on the framework within
10 which those stakeholder processes were developed.

11 Q And you haven't looked at those frameworks;
12 correct?

13 A That's correct.

14 Q So you don't know whether they're relevant
15 or not; correct?

16 A Correct.

17 Q Okay. Turning to Page 23. I'm going to
18 ask you a question in regards to Line 456 to 460.
19 Can you explain why Ameren can't start its
20 residential HVAC Program before June of 2009?

21 A Yes. I think my explanation will be
22 consistent with -- both of what I have here as well

1 as what Mr. Jensen filed in his rebuttal testimony on
2 behalf of the Ameren Illinois Utilities. The
3 programs will be based on our fees that will be
4 developed and issued to Bitters, and evaluated. It
5 will be based on back office support systems that
6 will be developed to acquire the data necessary to do
7 evaluation measurement and verification. And those
8 processes typically will take a minimum of two
9 months, possibly more. So it's unlikely that we
10 will be able to get the RFP issued -- if the
11 Commission ruled an order approving our plan on
12 February 15th, it's unlikely that we will be able to
13 get the RFP issued on February the 16th. We envision
14 going through a process with our stakeholders
15 reviewing the RFP, getting input and making revisions
16 to improve the RFP and that will process will take a
17 while, so I think all of those things considered, it
18 would make it difficult to get the program up and
19 running.

20 (Phone cut out.)

21 (Change of reporters.)

22

1 JUDGE SAINSOT: This is Judge Sainsot, with
2 whom am I speaking?

3 MR. VOYTAS: Rick Voytas at Ameren.

4 JUDGE SAINSOT: That's it? It's just you
5 Mr. Voytas?

6 MR. KELTER: Mr. Voytas, can you hear me?

7 THE WITNESS: Yes, I can.

8 CONTINUED CROSS-EXAMINATION

9 BY

10 MR. KELTER:

11 Q If you could turn to Page 24, Line 493.

12 A Yes.

13 Q You state: "I have not relied upon a
14 technical potential study."

15 Did you rely on any other study such
16 as an achievable potential study?

17 A For this particular filing, we relied upon
18 the best practices approach defined in our testimony.

19 Q Turning to Page 25, Line 508, you state:

20 "I understand how the Illinois
21 equivalent DEER database would be used and
22 useful in determining the cost effectiveness

1 of energy efficiency measures and
2 programs; however, the key issue is whether
3 the Illinois specific energy efficiency load
4 reduction values are materially different
5 than those in California."

6 In addition to the load reduction
7 values, don't you also need to consider costs for
8 equipment and installation and labor costs?

9 A Correct.

10 Q And don't you need that information to do
11 an accurate TRC analysis?

12 A I agree.

13 Q In terms of your statement that the key
14 issue is whether Illinois specific energy efficiency
15 load reductions or -- reduction values are materially
16 different than those in California, have you done any
17 analysis to determine if the load reduction values do
18 differ?

19 A I have not.

20 Q Can you estimate what an Illinois DEER
21 analysis would cost?

22 A That depends upon the scope of work.

1 Q Well, if it was a limited scope?

2 A It depends on how limited.

3 Q Do you have any idea if we did a study in

4 Illinois that is as expansive as the California study

5 what that would cost?

6 A A study starting from ground zero and

7 basically replicating what the DEER study did in

8 California?

9 Q Yes.

10 A I would -- I don't -- it's in the millions.

11 Q But you haven't done that specific

12 analysis?

13 A I have not.

14 Q Turning to Page 22, Line 433. I may have

15 the wrong page number here.

16 What I have written is that you state

17 very few states have a statewide brand to promote

18 energy efficiency programs.

19 I understand that California, one of

20 those states has an operating budget to maintain its

21 brand in the \$20 million range; is that correct?

22 A That's correct.

1 Q Are you familiar with the focus on the
2 energy program in Wisconsin?

3 A I have read about it.

4 Q Do you know what the cost of that
5 program -- do you know what the cost of that program
6 was in Wisconsin?

7 A I do not.

8 Q Would you agree that Wisconsin has
9 significant population in rural areas?

10 A I don't know.

11 Q Turning to Page 30 of your rebuttal, at
12 Line 607, you state:

13 "Mr. Henderson recommends very
14 prescriptive stakeholder meeting
15 facilitation, as well as annual
16 stakeholder process reviews done by an
17 independent third-party, which can add
18 significant costs to the program."

19 How much do you assume Mr. Henderson's
20 recommendation would cost?

21 A It depends upon the scope of work.

22 Q Well, as defined by Mr. Henderson's

1 proposal?

2 A Well, the facilitation, there is going to
3 be a facilitator with technical skills, and his time
4 is billed on a time- and materials-basis, that's the
5 function of the number of meetings that will be had,
6 so I don't know what those number of meetings will
7 be.

8 Q Well, Ameren is anticipating some type of
9 stakeholder participation process, correct?

10 A That's correct.

11 Q Do you have a budget for that process as
12 you envision it?

13 A We do not have a budget specified for that
14 process at this time.

15 Q In response to ELPC Data Request 1.02, you
16 list a number of employees that will be working on
17 the Energy Efficiency Project, correct?

18 A Correct.

19 Q Do you have any idea how much Ameren is
20 going to spend on their salaries and expenses in the
21 next year?

22 A I do not.

1 Q Do you have any idea how much Ameren
2 anticipates paying ICF International next year?

3 A Not at this time.

4 Q Are you familiar with the Regulatory
5 Assistance Project?

6 A Yes, I am.

7 Q Do you know how much it would cost to have
8 them facilitate a stakeholder process?

9 A Again, it depends upon the scope of work
10 and the number of meetings.

11 Q Turning to Page 19, Line 370.

12 You state: "Mr. Crandall proposes
13 engaging a facilitator to provide
14 technical expertise to the stakeholder
15 group."

16 Do you have any idea how much that
17 would cost?

18 A I believe that a facilitator with technical
19 expertise as opposed to a facilitator just to
20 facilitate would be a more expensive proposition than
21 simply a facilitator.

22 So I would be looking at a principal

1 at a major consulting firm with experience in demand
2 site management, and I would estimate that those
3 costs would range anywhere from 150 to \$400 per hour,
4 plus travel expenses.

5 Q And would that include a facilitator to
6 provide technical expertise from a nonprofit
7 organization?

8 A That depends on what the salary is for the
9 person from the nonprofit organization.

10 Q Turning to Page 12, Line, 243, you state:

11 "The Ameren, Illinois utilities
12 customer base has different appliance
13 saturations and appliance vintages than
14 ComEd."

15 Can you explain the basis for at that
16 statement?

17 A Yes, I can.

18 In 2005, the Ameren, Illinois
19 utilities, along with Commonwealth Edison, engage --
20 participated in a grant for the Center for
21 Neighborhood Technologies to do some customer survey
22 appliance saturation survey work in the Ameren

1 Illinois utilities and ComEd service territories.

2 And part of that was specifically
3 applying saturations and applying vintages, and
4 there's data in that report that speaks to that.

5 Q Is that survey part of the record?

6 A I don't know.

7 Q Do you have an opinion on what is the best
8 residential lighting program in the country?

9 A No, I don't.

10 Q Do you have an opinion on what is the best
11 commercial lighting in the country?

12 A No, I don't.

13 Q You attached an avoided-cost study as
14 Ameren Exhibit 2.3 to your direct testimony, correct?

15 A Correct.

16 Q Did the avoided costs in that study reflect
17 the locational marginal prices at various nodes or
18 price points?

19 A No, that was not an LMP avoided-cost study.

20 Q How are LMP and avoided costs developed and
21 what elements are included?

22 A I did not develop LMP avoided-capacity

1 costs.

2 Q You know, in terms of that appliance
3 saturation -- and I apologize if I already asked
4 this -- but in terms of that appliance saturation
5 study, does Ameren object to submitting that for the
6 record?

7 A I defer to my counsel to answer that.

8 MS. EARL: I'm not -- yes, we do. It's -- I
9 think at this point in the process, I'm not sure what
10 benefit that would serve to and exactly how you
11 contemplate getting that into the record.

12 MR. KELTER: I contemplate getting it into the
13 record by asking you to submit it. It sounds like
14 it's something he relied on, and I don't believe
15 there is any indication in his testimony that he
16 relied on that.

17 And, in fact, I believe we asked a
18 data request along those lines and we were told there
19 were no such studies.

20 MS. EARL: I'm sorry. Which data request are
21 you referring to?

22 MR. KELTER: I'll need a minute to find that

1 one.

2 We said: "Please provide the most
3 recent copy of Ameren's saturation
4 and/or customer end-use surveys or any
5 similar market research."

6 And the answer is:

7 "The Ameren Illinois utilities are
8 not aware of any appliance saturation
9 and/or end-use surveys that have been
10 conducted in the past five years for
11 any of the Ameren Illinois utilities."

12 JUDGE SAINSOT: I'm a little confused,
13 Mr. Kelter, are you seeking to have this portion of
14 his testimony stricken?

15 Or are you trying --

16 MR. KELTER: No, I'm trying to get that study
17 into the record.

18 JUDGE SAINSOT: In your case and chief?

19 MR. KELTER: I'm asking why they didn't supply
20 that study in response to ELPC Data Request 1.21.

21 JUDGE SAINSOT: In your case and chief?

22 MR. KELTER: We submitted a data request in

1 response to Mr. Voytas' testimony.

2 We submitted a data request that asks
3 for any such appliance saturation studies.

4 JUDGE SAINSOT: I understand.

5 But the remedy for that is that it
6 gets stricken not to supply evidence which may very
7 well -- you may be aiding Ms. Earl's role.

8 MR. KELTER: I may be, but then we would file a
9 motion to be allowed to respond to that.

10 JUDGE SAINSOT: To that evidence? No. No. No.
11 Not at this juncture. We don't have time for that.

12 So, again, I'll ask you are you
13 seeking to have this stricken?

14 MR. KELTER: Well, I would like to reserve the
15 opportunity to file that motion after we have an
16 opportunity to review this with our witness and make
17 a decision.

18 JUDGE SAINSOT: All right.

19 MR. KELTER: We thought there were no such
20 studies that existed.

21 JUDGE SAINSOT: I understand.

22 MR. KELTER: I would like to ask the witness

1 why they didn't supply that study when we asked them
2 for it.

3 JUDGE SAINSOT: Sure. Go ahead.

4 MS. EARL: Can you identify the line number
5 again?

6 MR. KELTER: It's ELPC.

7 MS. EARL: Not the data request. The testimony
8 reference.

9 JUDGE SAINSOT: I think it starts at Line 237
10 on Page 12.

11 MR. KELTER: I think there is question pending.

12 BY MR. KELTER:

13 Q Mr. Voytas, can you tell us why you didn't
14 supply that study in response to ELPC Data Request
15 1.21?

16 A Yes, I can. It was an oversight.

17 Basically, applying saturation surveys
18 that the company's typically done are very voluminous
19 studies. This is entirely something different.

20 This was a grant done to support
21 basically the development of our real-time pricing,
22 our residential real-time pricing pilot tariff in the

1 State of Illinois.

2 So it's a very -- it's not a
3 full-blown appliance saturation survey like the
4 Company did perhaps 10 years ago.

5 So from that perspective, it was an
6 oversight, and we can get that and definitely supply
7 it. It was simply an oversight.

8 MR. KELTER: Well, given that response, your
9 Honor, I am going to move to strike all of
10 Mr. Voytas' testimony that refers to or is based on
11 anything related to the appliance saturation in
12 Ameren service territory.

13 JUDGE SAINSOT: Any response, Ms. Earl?

14 MS. EARL: We object to that motion.

15 The witness has explained that when
16 contemplating this data request that it was -- that
17 the study that is in question right now was not -- it
18 was not the -- the study was not seen as being
19 responsive to the question, and it seems apparent
20 from the witness' answer that there was -- there's no
21 intent to not provide the study now.

22 MR. KELTER: Well, --

1 JUDGE SAINSOT: What exactly are you seeking?

2 MR. KELTER: I'm going to have to go through

3 both his direct and rebuttal testimony.

4 JUDGE SAINSOT: In other words, you are saying

5 it may be more from Line 237 to Line 248?

6 MR. KELTER: Yes, but we definitely would like

7 that stricken.

8 MS. EARL: Whether there is a study that exists

9 and backs up and supports Mr. Voytas' statements in

10 his testimony does not somehow make his statements

11 and his testimony objectionable.

12 Quite the contrary, it supports the

13 testimony and should be left in.

14 MR. KELTER: What she just said defeats her own

15 argument. She just said this supports his testimony.

16 Well, we should have had an opportunity to review

17 that at the time.

18 Mr. Voytas said himself a minute ago

19 that he should have supplied it to us. That it was

20 an oversight.

21 JUDGE SAINSOT: All right. Yes.

22 As far as Lines 237, 248 I'm in total

1 agreement with you.

2 I would also note that although the

3 question there says "discuss some of the

4 distinguishing features of Ameren Illinois utility

5 service territory," not one actual fact is in that

6 paragraph as to what the distinguishing features are.

7 There's only a general conclusion that

8 the housing dock, et cetera, is different. We don't

9 know how.

10 So -- however, what bothers me,

11 Mr. Kelter, is this -- I mean, I hate to say take

12 another five-minute break, but I would like to get

13 this -- if there's other things in here that you have

14 a problem with, I would like to get it done all at

15 once, so we can move on.

16 MR. KELTER: Well, I can try to go through it.

17 JUDGE SAINSOT: Right.

18 MR. KELTER: I'll sit and go through the

19 testimony line by line, but I need to go through his

20 direct and rebuttal and make sure there is nothing

21 else there.

22 JUDGE SAINSOT: I understand.

1 I realize we are on a time basis, but
2 I think it's just faster to take a quick break and if
3 you have something else renew it.

4 I would also note for the record, it's
5 been my general observation that when discovery
6 answers are verified people pay a little more
7 attention to whether there is oversights or not, but
8 let's do it now.

9 All right. Five minutes.

10 (Whereupon, a recess was taken.)

11 JUDGE SAINSOT: Can we go back on the record.

12 All right, Mr. Kelter, can you bring
13 me up to breast as to what's going on.

14 MS. EARL: May be a heard?

15 JUDGE SAINSOT: Sure.

16 MS. EARL: After a brief discussion with my
17 client and Mr. Kelter, I would like to propose the
18 Ameren Illinois utilities' entry of the study at
19 issue into the record, and also allowing, perhaps,
20 the Ameren and law policy center the opportunity to
21 respond to that in some appropriate way, if
22 necessary.

1 MR. KELTER: Well, we would be amenable to that
2 if allowing us to respond in an appropriate way is
3 allowing us to review it, do additional
4 cross-examination, if necessary, and to allow our
5 witness to amend his testimony, if necessary.

6 And none of that may be necessary. We
7 just don't know because we have no idea what this
8 study looks like and what it delves into at all.

9 JUDGE SAINSOT: Do you have a look at other
10 portions of Mr. Voytas' testimony? Is there more
11 like this?

12 MR. KELTER: There is. But it's very
13 difficult. I need sometime to read it in some
14 context and consult with our witness and figure out
15 what we want out.

16 JUDGE SAINSOT: Have we admitted Mr. Voytas
17 yet?

18 THE WITNESS: I'm up.

19 JUDGE SAINSOT: We can unadmit him, at least I
20 can.

21 I just don't see any other way.
22 There's no time to be allowing Mr. Kelter additional

1 time. This isn't -- we all knew we were under
2 extraordinary -- under the the gun, because of the
3 February 15th deadline.

4 And I'm shocked, frankly, that you all
5 think it it's okay to have unverified responses to
6 data requests.

7 So with that being said, Mr. Voytas'
8 testimony which is Ameren Exhibit 2.0 and 7.0, I
9 believe, is hereby unadmitted.

10 So I'm presuming you have no more
11 cross for him, Mr. Kelter?

12 MR. KELTER: No.

13 JUDGE SAINSOT: Your next witness, Ms. Earl?

14 MS. EARL: Your Honor, I would just like to
15 clarify is there a way of curing Mr. Voytas'
16 testimony. The testimony provides a lot of
17 information that's crucial to our case, and is there
18 a way of amending the testimony or, perhaps, deleting
19 the testimony ELPC has a problem with?

20 JUDGE SAINSOT: Well, according to Mr. Kelter
21 he's not sure. You know, I can see his position;
22 he's in the midst of trial, and it's very difficult

1 pouring through long sentences and long answers.

2 I don't think I should have to put him

3 in that position.

4 I think that witness who testify in

5 front of the ICC should be careful.

6 And, frankly, generally, it's not the

7 witness' or the ultimate responsibility for the

8 correctness of discovery responses is on counsel, not

9 on the witness, so no.

10 Do you have another witness?

11 MS. EARL: I would like to have Mr. Jensen

12 sworn in and have his testimony admitted into

13 evidence.

14 JUDGE SAINSOT: Mr. Jensen is Ameren exhibit?

15 MS. EARL: Those exhibits have not yet been

16 verified. After Mr. Jensen is sworn, we will move

17 those.

18 JUDGE SAINSOT: Okay.

19

20

21

22

1 (Witness sworn.)

2 VAL JENSEN,

3 called as a witness herein, having been first duly

4 sworn, was examined and testified as follows:

5 DIRECT EXAMINATION

6 BY

7 MS. EARL:

8 Q Mr. Jensen, please state your name and

9 business address for the record.

10 A My name is Val Jensen. My business address

11 is 394 Pacific, Suite 200, San Francisco, California

12 94111.

13 Q By whom are you employed and in what

14 capacity?

15 A I'm employed by the consulting firm ICF

16 International.

17 Q You have with you a copy of the documents

18 that are marked as follows: Ameren Exhibit 4.0, your

19 direct testimony, consisting of 47 pages; Ameren

20 Exhibit 4.1, Ameren Exhibit 9.0, your rebuttal

21 testimony, consisting of 26 pages; and Ameren

22 Exhibits 9.1, 9.2 and 9.3.

1 Was this testimony prepared by you or
2 under your direction?

3 A Yes, it was.

4 Q Do you wish to make any corrections to your
5 prefiled testimony at this time?

6 A I would like to make three small
7 corrections to Exhibit 4.

8 Q Could you please explain those corrections.

9 A Yes.

10 Page 17, a continuation of Table 3 --

11 JUDGE SAINSOT: I'm sorry to interrupt.

12 Are these corrections going to be on
13 the copy that you are going to submit to me,
14 Ms. Earl?

15 MS. EARL: Those corrections have been
16 identified in our errata filing last night. And if
17 your Honor wishes to have a corrected copy, we can do
18 that as well.

19 JUDGE SAINSOT: Well, do you have a copy of the
20 errata filing?

21 MS. EARL: Yes, I do.

22 JUDGE SAINSOT: So we can just attach that to

1 it?

2 MS. EARL: As an exhibit, sure.

3 JUDGE SAINSOT: Okay. I'm sorry. Mr. Jensen,
4 you can proceed.

5 THE WITNESS: Page 17 continuation of Table 3,
6 line 3, in the first column of that table labeled
7 "residential measures" strike the words "high
8 efficiency furnaces" that appear at the end of that
9 column.

10 The second change Page 17 continuation
11 of table 3, which begins on line 359 in the second
12 column labeled "commercial measures" add to the
13 bottom of that column the words "standard T8 to super
14 T8."

15 On Page 35, Lines 757, strike the
16 number 1,000 and replace it with the number 583.

17 MR. KELTER: I'm sorry. What was that?

18 THE WITNESS: Page 35 of Exhibit 4, Line 757,
19 replace the number 1,000 with 583. And that's all.

20 BY MS. EARL:

21 Q With those changes, are the answers to the
22 questions in your testimony true and correct to the

1 best of your knowledge?

2 A Yes.

3 MS. EARL: Your Honor, at this time, I would
4 like to move for the admission of Ameren Exhibits
5 4.0, 4.1, 9.0, 9.1, 9.2, 9.3 and 9.4, the errata
6 filing which will be provided to you today.

7 JUDGE SAINSOT: Any objection to admission of
8 Ameren Exhibits 4.0, 4.1, 9.0, 9.1, 9.2, 9.3 and 9.4
9 of the errata sheet.

10 (No response.)

11 JUDGE SAINSOT: That being the case, Ms. Earl,
12 your motion is granted.

13 MS. EARL: I believe there is no
14 cross-examination questions for Mr. Jensen, and so at
15 this time, I would simply like to take care of a
16 couple administrative matters before finishing up.

17 I would like to -- I failed to admit
18 the affidavits of the previous witness the previous
19 testimony that was admitted into evidence, I would
20 like to do that at this time.

21 MR. MUNSON: Are we just talking Ameren's case,
22 because I have a couple questions in the ComEd.

1 MS. EARL: Yeah.

2 JUDGE SAINSOT: You are at the end of your case
3 in chief; is that correct?

4 MS. EARL: Yes.

5 JUDGE SAINSOT: She's just doing her clean-up
6 work.

7 MS. EARL: I would like to ask for the
8 admission of affidavit Vickiren S. Bilsland marked as
9 Ameren Exhibit 5.2.; the affidavit of Leonard M.
10 Jones, marked as Ameren Exhibit 8.1.; and the
11 affidavit of Stan E. Ogden, marked as Ameren
12 Exhibit 6.1.; and the affidavit of Richard A. Voytas
13 marked Ameren Exhibit 7.4 as evidence.

14 JUDGE SAINSOT: What do we need Mr. Voytas'
15 affidavit for?

16 MS. EARL: Excuse me?

17 JUDGE SAINSOT: What do we need Mr. Voytas'
18 affidavit for?

19 MS. EARL: I believe, your Honor, that Ameren
20 Exhibits 2.2, 2.1.2, .3 and also his rebuttal
21 exhibits are also in evidence.

22 JUDGE SAINSOT: Okay. Got it.

1 So the affidavits in question are 5.2,
2 8.1, 6.1, and what was the last one?

3 MS. EARL: 7.4.

4 JUDGE SAINSOT: Any objection to the admission
5 of these documents?

6 (No response.)

7 JUDGE SAINSOT: Hearing no objection, your
8 motion is granted, Ms. Earl.

9 MS. EARL: At this time, I have one more minor
10 detail to take care of.

11 We have been asked by staff counsel to
12 state on the record the intention of some suggestive
13 testimony that is mentioned in Mr. Leonard Jones'
14 rebuttal testimony.

15 It's Ameren Exhibit 8.0 starting at
16 Line 37, responding to the direct testimony of staff
17 witness Theresa Ebrey.

18 Mr. Jones proposes some suggestive
19 tariff language that would correct the issue that's
20 raised in Mrs. Ebrey's testimony.

21 And staff counsel asked us to confirm
22 on the record that it's the Ameren Illinois utility's

1 intent to change the tariff and add this language,
2 and we do.

3 JUDGE SAINSOT: Okay. Anything else?

4 So you're resting, right?

5 MS. EARL: That's it.

6 JUDGE SAINSOT: We are going to switch to ComEd
7 because we've just sworn in Mr. Jensen; am I right?

8 MS. EARL: Yes.

9 MR. KELTER: I don't know how you wanted to get
10 the DRs into the record.

11 When you say "we're resting," I didn't
12 know if you were closing docket 0705 --

13 JUDGE SAINSOT: No, no, just her case in chief.

14 MR. KELTER: Okay. JUDGE SAINSOT: And you are
15 starting off with the ComEd?

16 MR. FOSCO: Actually, with the 3.9 Ameren.

17 And then, your Honor, I would move for
18 admission of Mr. Lazare's direct testimony of Docket
19 No. 07-0539.

20 JUDGE SAINSOT: Any objection to admission of
21 Staff Exhibit 3.0, which is Mr. Lazare's direct
22 testimony?

1 (No response.)

2 JUDGE SAINSOT: Hearing none, your motion will
3 be granted, Counsel.

4 (Whereupon, Staff Exhibit
5 No. 3.0 was admitted into
6 evidence in Docket 07-0539.)

7 MR. FOSCO: Thank you, your Honor. JUDGE
8 SAINSOT: Back on the record.

9 So I guess the thing to do with the
10 data request response is just go numerically.

11 Ameren first, like we've been doing
12 07-0539, then ComEd. And DCEO isn't here, so we
13 don't have to worry about DCEO, I don't think.

14 Okay. Whose got data requests or
15 pieces of paper in the Ameren docket?

16 Are these all stipulated to?
17 Everybody is all hunky-dory about these things?

18 MR. KELTER: Yes.

19 MR. REDDICK: In the general sense, I don't
20 think we previewed every single piece of paper with
21 everybody else. I haven't.

22 JUDGE SAINSOT: So, Mr. Reddick, you're calling

1 this IIEC Group Exhibit what? A? B? What?

2 MR. REDDICK: Let me go last because my paper's

3 actually coming. You simply asked who had them. I've

4 got them. I have a spot in the line.

5 JUDGE SAINSOT: Do you have them in both

6 dockets?

7 MR. REDDICK: Yes.

8 JUDGE SAINSOT: Attorney general?

9 MS. HEDMAN: The Ameren companies and the

10 Attorney General have stipulated to the admission of

11 AG Cross-Exhibit 1.0, which consists of -- do you

12 need to know which DRs they consist of?

13 JUDGE SAINSOT: No, that would nothing to me

14 anyway. I never see those.

15 MS. HEDMAN: I have two copies; one for you and

16 one for the reporter.

17 JUDGE SAINSOT: This was stipulated to and we

18 are all fine with that?

19 MS. HEDMAN: Yes. I also have copies of the

20 affidavits that we filed today for our witness whose

21 testimony was put in.

22 JUDGE SAINSOT: Okay. So what we all -- that

1 was all taken care of. This is on the "I promise to
2 get this to you, Judge."

3 For the record, we are entering into
4 evidence in Docket 07-0539 with the AG Cross-Exhibit
5 1.0, which is agreed to by the parties or stipulated
6 to, and it consists of four data requests.

7 (Whereupon, Attorney General
8 Cross Exhibit No. 1.0 was
9 admitted into evidence.)

10 JUDGE SAINSOT: Who's next?

11 MR. KELTER: Environmental Law Policy Center
12 submits for the record ELPC Group Exhibit 1.0.

13 JUDGE SAINSOT: I'm not sure I said this. This
14 is AG Cross-Exhibit, right?

15 MS. HEDMAN: Yes.

16 JUDGE SAINSOT: This is ELPC Group Exhibit 1.0,
17 and it is a voluminous set of data request responses
18 for -- this is all for 07-0539?

19 MR. KELTER: Yes. And what we will do is I
20 have a list typed up for all data requests in that
21 exhibit and I will circulate it to all the parties so
22 they know exactly what's been made part of the

1 record.

2 JUDGE SAINSOT: Okay. That will be entered
3 into evidence.

4 (Whereupon, ELPC Exhibit No. 1.0
5 was admitted into evidence.)
6

7 JUDGE SAINSOT: Next?

8 MS. FONNER: Cynthia Fonner, representing
9 Constellation New Energy, Inc., and Constellation
10 Energy Commodities Group, Inc.

11 We have an agreement with the Ameren
12 companies regarding admission of Data Request
13 Response CES 1.01 marked as CNE Cross-Exhibit 1.

14 Your Honor, do you want data requests
15 stipulations only as to the Ameren companies or
16 everything that we may have in the Ameren document?

17 JUDGE SAINSOT: You have more things in the
18 Ameren docket?

19 MS. FONNER: I do.

20 JUDGE SAINSOT: Let's just continue in the
21 Ameren.

22 MS. FONNER: Okay. Marked as CNE Cross-Exhibit

1 2 is a stipulation with the Natural Resources Defense
2 Council.

3 CNE Cross-Exhibit 3 is a stipulation
4 with the Citizens Utility Board.

5 And CNE Cross-Exhibit 4 is a
6 stipulation with the Environmental Law and Policy
7 Center. These stipulations goes to testimony relating
8 to the stakeholder advisory process.

9 I'm sorry. I gave you I believe two
10 of --

11 JUDGE SAINSOT: That's okay.

12 (Whereupon, CNE Cross Exhibits
13 Nos. 1 through 4 and data
14 response 1.1 were admitted into
15 evidence.)

16 MS. FONNER: That is all for 07-0539?

17 JUDGE SAINSOT: Okay. What else in 05-0739.

18 Are you all organized there,
19 Mr. Reddick?

20 MR. REDDICK: Unfortunately, I don't have the
21 paper.

22 JUDGE SAINSOT: Help me out here.

1 Do you have a piece of paper? Do you
2 need a Xerox machine? Help me out. What do you
3 need?

4 MR. REDDICK: The particular DR that I was
5 looking for somehow got misplaced.

6 JUDGE SAINSOT: Okay. So we'll have to go back
7 to 0539 when he gets his piece of paper.

8 Anybody else for 0539? MR. REDDICK:
9 I do have the Ameren paper.

10 MR. KELTER: Are we ready for the next.

11 JUDGE SAINSOT: Conrad, you are on.

12 MR. REDDICK: For IIEC, this is our IIEC Group
13 Exhibit A in the Ameren case, and it consists of the
14 Ameren responses to IIEC Data Request 2-1, 2-2 and
15 2-3.

16 JUDGE SAINSOT: And that's stipulated to?

17 MR. REDDICK: Yes.

18 JUDGE SAINSOT: Okay. Good thing I brought my
19 stapler.

20 (Whereupon, IIEC Group Exhibit
21 No. A was admitted into
22 evidence.) JUDGE SAINSOT:

1 Okay. Mr. Reddick. Would you
2 like my stapler?

3 MR. REDDICK: I just want to make sure I give
4 you the right piece of paper.

5 We can add to IIEC Group Exhibit A in
6 the 0539 docket. It is the response of Staff Witness
7 Peter Lazare to IIC Request 1-5.

8 JUDGE SAINSOT: Why don't I let you look. JUDGE
9 SAINSOT: Okay. Mr. Reddick, are you getting this
10 together here?

11 MR. REDDICK: Yes.

12 JUDGE SAINSOT: For the record, Mr. Reddick
13 found that last piece of paper which is IIEC's Group
14 Exhibit A and this is?

15 MR. REDDICK: Staff response to IIEC 1-5.

16 JUDGE SAINSOT: So I'm adding this now in 0539.
17 (Whereupon, IIEC Group Exhibit A
18 was admitted into evidence.)

19 JUDGE SAINSOT: Is there anything else?

20 MS. EARL: Your Honor, the Ameren Illinois
21 utilities would like to request that the record
22 remain open at this point.

1 We intend to file a motion to
2 reconsider on the admission of Mr. Voytas' testimony
3 on Monday.

4 JUDGE SAINSOT: You don't need the record to
5 remain open on that. I won't mark the record heard
6 and taken, but the record will not remain open.

7 MS. EARL: That's fine.

8 JUDGE SAINSOT: Marking the record heard and
9 taken is for the clerk's benefit. It has no
10 evidentiary value.

11 Anything further?

12 (No response.)

13 JUDGE SAINSOT: Okay. Thanks, everybody.
14 Have a good weekend.

15 (Whereupon, these proceedings
16 were adjourned.)

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